

ce

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 15 AM 10:16

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Francisco AGUILAR-Morales)
)
Defendant.)
_____)

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

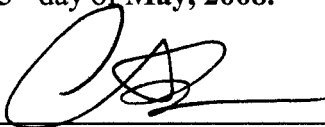
On or about **May 14, 2008**, within the Southern District of California, defendant **Francisco AGUILAR-Morales**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States near the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley

Sworn to before me and subscribed in my presence this **15th** day of **May, 2008**.



Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Francisco AGUILAR-Morales****PROBABLE CAUSE STATEMENT**

On May 14, 2008, at approximately 7:20 A.M., Senior Patrol Agent L. Gonzalez was performing line watch duties near an area known as the "625 Camera Pole." This area is approximately four miles east of the San Ysidro, California, Port of Entry and is approximately 100 yards north of the United States/Mexico International Boundary Fence.

A Remote Video Surveillance System operator (RVSS) advised Agent Gonzalez, via service radio, of two individuals jumping the primary fence and making their way towards the secondary fence. Agent Gonzalez responded to the reported location and searched the area. After a brief search Agent Gonzalez located two individuals attempting to conceal themselves in between semi tractor trailers. One of these individuals was later identified as the defendant **Francisco AGUILAR-Morales**. Agent Gonzalez identified himself as a United States Border Patrol Agent and questioned both as to their nationality and country of citizenship. Both subjects freely admitted to being citizens and nationals of Mexico without any immigration documents permitting them to enter or remain in the United States legally. At approximately 7:30 A.M. Agent Gonzalez arrested both individuals and had them transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 11, 2006** through **Hidalgo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.